

EXHIBIT

28

DECEMBER 24 1998 11:03 FROM: TDX CONSTRUCTION

ID: 2126780031

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TDX CONSTRUCTION CORPORATION

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MEMORANDUM

TO: Nick D'Ambrosio
FROM: John J. McCullough *JJM*
DATE: December 24, 1998
RE: Baruch College - Site "B"
 Minutes of Meeting on Metal Siding

A meeting was held on December 22, 1998 at TDX's field office with the following attendees:

Nick D'Ambrosio	DASNY
James Jones	TDX
John J. McCullough	TDX
Ray Leu	TDX
John Barrara	TDX
Chris Stoddard	KPF
Lou Katsos	Trataros
John Clarke	Trataros
Chris Flacon	Trataros
Ron Finamore	JPS
John Finamore Sr.	JPS
Henry Diaz	JPS
Gus Larosa	JPS
Sebastian Martello	JPS
Philip Carvelas	JPS
Josif Berger	LBL

Post-It Fax Note	7671	Date 12/24	# of pages 2
To	Jordan Panel Co. TDX		
cc	John J. McCullough		
Subject	Minutes of Meeting on Metal Siding		
Phone #	516-754-4643		
Fax #			

RECEIVED
 DEC 24 1998
 JORDAN PANEL SYSTEMS CORP.

The purpose of this meeting as to resolve major issues relating to the metal siding, curtainwall and windows.

The following constitutes what was discussed:

1. TDX to schedule with Commercial Brick Corporation to remove and replace the brick on the off-site mock up #3 to determine the cause of the

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air & water infiltration. An air test will be conducted prior to the re-installation of the brick to ensure a proper seal. Based on the preliminary testing of the mock up, LBL to revise their flashing detail at the window jamb and at the sill. This does not affect the integrity of the punch windows. LBL stated that they would release the window for fabrication to meet the February delivery date.

2. Off site mock up #2 for the curtainwall is scheduled for March. KPF to select color of glass by next week. There is a lead-time on the glass. The mock up will be done with or without the right color of glass but with the same type of glass.
3. Off site mock up #1 for the metal siding is also scheduled for March. LBL will have the windows for the siding. Jordan stated that their mock up drawings are not yet fully approved and details need to be resolved prior to any fabrication.
4. A lengthy discussion then ensued regarding the as built location of the girts. JPS stated they are not responsible for the design of the fix to accommodate the tolerances of the girts. Proposed fixes were discussed including the addition of a cap onto the girts and relocating further the working points. KPF to review.
5. JPS wants further direction on the release of the liner panel for fabrication prior to the approval of mock up #1.
6. A meeting is scheduled for December 29, 1998 at 10:30 a.m. at the TDX field office with Trataros, JPS, LBL, KPF and TDX to work out details on the shop drawings and to resolve the above issues.

At this point, the meeting was adjourned.

JJM/amo

Cc: Ray Leu
All Attendees

Home Depot Minnesota Metal Siding

12-22-98

T D X OFFICE

Ben Finamore J.P.S.
John A Finamore Sr. " " "

HENRY DIAZ J.P.S.

GUS LAROSA J.P.S.

SEBASTIAN Martello J.P.S.

PHILIP J. CABEYELAS SPS

Jim Jones TOX

Chris Falcone TRATTOS

JOSIF BERGER LBL

JOHN J. BARRERA TOX

JOHN McCullough TOX

RAY Lev TOX

Chris Stoddard TPF

Lou KATZOS TCI

John CLARKE TCS

MICK D'AMBROSIO Design

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MEMORANDUM

TO: Nick D'Ambrosio
FROM: John J. McCullough *JJM*
DATE: January 26, 1999
RE: Baruch College - Site "B"
 Minutes to Meeting on Siding

A meeting was held on January 22, 1999 at TDX field office with the following attendees:

Nick D'Ambrosio	DASNY
John J. McCullough	TDX
Ray Leu	TDX
Anthony Mosellie	KPF
Chris Stoddard	KPF
Gordon Smith	GHSC
Michael Snyder	GHSC
John Clarke	Trataros
John Finamore	Jordan Panel
Josif Berger	LBL
Peter Lewyckyj	LBL

The purpose of this meeting was to develop a direction on how best to interface the metal siding with the structural steel girt tolerances. The following constitute what was discussed:

Originally, there were four (4) options on how to interface the differences in tolerances between the metal siding and the supporting steel girts:

- Option A* Bend and install the air barrier and the face panel to follow the contour of the girts.
- Option B* Install the air barrier to follow the girts and install additional shims within the cavity of the siding to maintain the geometry of the building.

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Option C Install a "cap" over the girts to meet the tolerances of the metal siding.

Option D Modify the metal siding extrusions to perform as a structural member to anchor the system and to relocate the air barrier seal from the girts to the extrusions.

Options A & B were dismissed because there are uncertainties on whether a proper air seal can be achieved with either one of these options and the questionable longevity of the seal. A mock up would have to be done prior to the fabrication of the liner panel. There are also aesthetic issues.

It was narrowed down to either Option C or D. Trataros and Jordan Panel System expressed their preference for Option C since it offers the least amount of re-design, it does not alter their system, it does not alter their guarantees and mainly, it requires the least amount of time for pre-requisite work to start the installation of the air barrier. They anticipate that the cap can be designed and enough installed to allow for the start of the air barrier on June 1, 1999.

Option D would require a complete re-design of the system including re-engineering and would necessitate the installation of the extrusions prior to the liner panel. Trataros and JPS stated that this option would require the longest lead-time before the liner panel can be installed. They anticipate starting the liner on September 1, 1999 with this option.

It was agreed by all that of the two (2) remaining options, Option C is the most viable and expeditious solution to the problem. Based on this direction, the following guidelines and initial milestone dates were established:

1. The working point will move out another 3/16" for a total of 3/8" beyond the original contract if need be, depending on the design of the cap. However, the working point for the windows will remain as per Bulletin #25.
2. JPS agreed to design the cap for KPF's review by February 1, 1999.
3. JPS to conduct a feasibility review of the cap to all their details to determine if there is a problem.
4. KPF to review cap design by February 4, 1999.
5. Work session scheduled for 9:30 am on February 5, 1999 at TDX field office to complete review of cap.
6. JPS to completely upgrade their shop drawings by March 15, 1999.

7. A/E to complete their review of the shop drawings by April 1, 1999.
8. TDX/DASNY to issue a notice of direction to proceed with the cap.

LBL stated that the addition of the cap might have an impact on their anchoring details and might effect their extrusions. LBL to investigate further and advise on any impact.

DASNY stated to Trataros and JPS that the starting date for the liner panel will have to get better and wants to start the liner panel in May.

In regards to the issue of the wet seal at the windows, KPF, GHSC and DASNY insisted on the contract wet seal in lieu of the gasket as proposed by LBL. LBL to meet with JPS to coordinate the work so that the wet seals can be applied. Shop drawings to be revised accordingly.

At this point the meeting was adjourned.

RL/amo

Cc: All Attendees

Memo Darny Meeting on Siding



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MEMORANDUM

TO: Nick D'Ambrosio
FROM: John J. McCullough *JJM*
DATE: March 12, 1999
RE: Baruch College - Site "B"
 Minutes to Meeting on Siding

A meeting was held on March 10, 1999 at TDX field office with the following attendees:

Nick D'Ambrosio	DASNY
John J. McCullough	TDX
Ray Leu	TDX
Chris Stoddard	KPF
Michael Snyder	GHSC
John Clarke	Trataros
Ramesh Rangaswamy	Trataros
John Finamore	JPS
Phillip Carvelas	JPS
Dennis Dolan	JPS
Josif Berger	LBL

The purpose of this meeting was to discuss the directive of March 5, 1999 to install the metal wall panel following the contour of the supporting girts. The following constitute what was discussed:

DASNY stated that the installation of the air barrier must be started by May 1, 1999. JPS can not commit to this start date at this time until they fully analyze this new directive. JPS to advise on when they can start.

The work point will be relocated in accordance with Bulletin #25 and KPF will be issuing more relaxed erection tolerances to accommodate the girt tolerances of plus or minus 3/8" in and out.

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JPS expressed their concerns that there are uncertainties on whether a proper air seal can be achieved with this directive and do not advise on proceeding with this option. They are not confident that they can successfully air seal against the girt without testing a mock up of the same.

It is TDX's recommendation and with everyone's concurrence that a mock up of just the air barrier be performed immediately to determine its feasibility and if any remedial work is necessary. A discussion then ensued on the logistic of the mock up. KPF/GHSC to advise on the criteria and testing procedure of this mock up. The mock up will replicate the worst condition of the girts.

Trataros, JPS and LBL stated that if any remedial work is necessary as a result of the mock up, they will not guarantee the system due to the increase in erection tolerances of the girts. DASNY and TDX expressed their objections to this position. If any remedial work is necessary, the architect will be working in accord with the contractor to develop a proper and lasting fix. Based on this, DASNY will be insisting that Trataros furnish and honor the specified quaranties and warranties.

Trataros expects to be compensated financially for any remedial work as a result of the mock up including any additional costs relating to changes in the mock up itself. TDX stated that Trataros will be compensated for any remedial work if determined that it is a result of the increase in steel tolerances. We will not pay for remedial work that becomes necessary due to poor workmanship or to flaws with the original design from JPS.

KPF to review calculations as submitted with the cap design regarding dead load deflections and thermal movements.

JPS stated that they have been receiving the girt survey in parts as the survey is being completed. They want a consolidated survey.

DASNY reiterated their directive to Trataros and JPS to release for fabrication the liner panel, sub-girts, extrusions and finished panel.

JPS to respond to our directive of March 5, 1999 by March 17, 1999.

At this point, the meeting was adjourned.

RL/amo

Cc: Attendees

Memo Dasny Siding Minutes



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MEMORANDUM

TO: Nick D'Ambrosio
FROM: John J. McCullough *JJM*
DATE: June 1, 1999
RE: Baruch College - Site "B"
 Metal Siding Meeting of May 12, 1999

A meeting was held on May 12, 1999 at TDX field office with the following attendees:

Nick D'Ambrosio	DASNY
John J. McCullough	TDX
Ray Leu	TDX
Boris Chertorisky	TDX
Chris Stoddard	KPF
David Greene	R.A. Heintges
John Clarke	Trataros
Ramesh	Trataros
John Finamore	JPS
Dennis Dolan	JPS
Josif Berger	LBL

The purpose of this meeting was to discuss the liner panel mock up. Below are the key points that came out of this meeting:

- The testing procedures were reviewed and discussed. LBL and JPS stated that based on previous discussions, the differential in temperature for thermal cycling is 110° and not 140° as noted by the architect. The laboratory is prepared to vary the temperature from 10° to 120°. KPF and R.A. Heintges to review and advise if this range is acceptable.
- TDX, Testwell Craig and R.A. Heintges will have representatives in Miami to ensure that the installation of the liner panel will be done in accordance with the approved shop drawings.
- JPS is scheduled to start the liner panel on the mock-up on May 19, 1999 and completed by May 22, 1999. Testing is scheduled to start on 5/26/99

provided the sealant is properly cured. DASNY expressed their desire to start the liner panel sooner. JPS stated that arrangements have already been made with manpower and flights for 5/19/99.

- To confirm JPS structural calculations, JPS recommends taking deflection readings on the girts before and after the installation of the liner panel and after the installation of the simulated dead load of the windows onto the girts. R.A. Heintges and KPF agreed that this is a good idea and R.A. Heintges to amend the testing procedures.
- Trataros and JPS requested a copy of the survey confirming that the girts as installed at the mock up are in accordance with the agreed to locations. A copy of the field notes from Manhattan Survey was issued to Trataros and JPS. Based on these notes, the girts are installed as per the agreed to locations which replicates the worse conditions on the project.
- A copy of KPF's memorandum of 5/11/99 was issued to Trataros, stating that the maximum anticipated thermal movement at the girt to girt column connections is 1/4". TDX directed Trataros to incorporate this movement into the design of the metal panel system. Various concepts were discussed on how to accommodate this movement including the installation of a bellow or a "V" groove in the liner panel. R.A. Heintges questions how this will be continued through the extrusions. TDX stated that the location of the expansion joint in relation to the seam of the liner panel would vary and suggest that any fix be field applied. JPS believes that their butyl tape can accommodate up to a 1/4" gap and they would further develop a detail for this expansion with input from the architect.
- The size of the contract mock up was discussed whereby 10' on the west elevation is to be relocated to the north elevation of the mock up. LBL and JPS to revise their mock up shop drawings accordingly.
- TDX inquire about the status of the resubmittal of the metal siding shop drawings for the east elevation. JPS stated that they are working on the resubmittal. TDX gave a copy of the catalog cut of the finished substrate for the east elevation for coordination with the metal siding system.

At this point, the meeting was adjourned and no further meeting is scheduled.

RL/amo

Cc: All Attendees

Memo Dasny Siding Meeting 5-12-99



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MEMORANDUM

2/14

TO: Nick D'Ambrosio

FROM: John J. McCullough, P. E. *RL*
(Fwd)

DATE: July 7, 1999

RE: Baruch College - Site "B"
 Metal Siding Meeting of 6/30/99

A meeting was held on 6/30/99 at the TDX Field office with the following attendees:

Nick D'Ambrosio	DASNY
Jim Jones	TDX
John McCullough	TDX
Ray Leu	TDX
Chris Stoddard	KPF
Bob Heintges	R.A. Heintges
Walter Bartels	Trataros
Ramesh Rangaswamy	Trataros
John Finamore	JPS
Dennis Dolan	JPS
Frank Marcovecchio	JPS
Josif Berger	LBL

The purpose of this meeting was to discuss the expansion joint detail and the volume I shop drawings. Below are the key points that came out of this meeting:

- Trataros stated that the metal siding extrusions for the contract mock up on the strip window/metal siding assembly will be available by the end of August. Based on this, they anticipate the mock up to be completed and ready for testing during the third week of September. TDX stated that the head anchoring detail for the strip windows does not adequately accommodate the anticipated 1/4" thermal movement at the girt to girt column connections. LBL questioned the amount of this movement. Jim Jones went through the expected thermal movement of the girts and stated that Trataros has received a directive to design their metal siding and

✓ FAX: (212) 679-0037

window systems to account for a 1/4" thermal movement at the girt to girt column connection.

LBL stated that they will have to modify their head anchoring detail by possibly introducing a flat anchoring plate and anchored to one side of the girt to girt column connection. LBL to further develop detail for approval.

The contract mock up will replicate the expansion joint details in the strip window and in the liner panel. The top floor on the north elevation of the mock up will simulate the expansion in the window and the lower floor will simulate the expansion detail in the siding. Mock up drawings to be revised accordingly.

- JPS presented a copy of their drawing number 304B which is a further development of the expansion joint detail. R.A. Heintges reiterated their concern on whether the liner panel can be positively sealed, vertically, against the channel/flat plate stiffeners with just the fasteners. Since this concern keeps coming up, TDX recommends adding the vertical compression bar absent of the test results on the liner panel mock up. JPS to review to make sure that the compression bar does not introduce another problem at the expansion joint.

At the sill of the expansion joint, JPS intends to join the stainless steel flashing with a splice plate set in silicone. R.A. Heintges states that the silicone will shear between the flashing and the splice plate due to thermal movement. An alternate solution is to butt the two pieces of stainless steel flashing together, leaving a 1/4" gap and covering it with the silicone splice tape. JPS concurs with this alternate solution.

At the head, the silicone tape at the expansion joint will run up onto the girt and then it gets counter flash with the mule hide tape. KPF/Heintges takes no exception to this detail provided that there is no degradation of either the silicone tape or the mule hide tape in contact with each other due to the difference in materials. JPS to confirm with both manufacturers.

The following schedule was established by Trataros/JPS for the liner panel mock up:

7/7/99 – Partial removal of liner panel at mock up to incorporate expansion joint detail and remedial work at fasteners.

7/8, 7/9/99 – Rebuild liner panel mock up.

7/14/99 – Pre-test liner panel mock up.

- Volume One shop drawings by JPS.
R.A. Heintges presented their preliminary list of comments, dated 6/25/99

(copy attached), on the volume one shop drawings. This list along with KPF's preliminary comments were reviewed and discussed. The following key concerns were made by KPF/Heintges:

- 1) All fasteners to be upgraded to the 300 series and to the Elco dril-flex screws. All washers are also to be changed to 300 series.
- 2) JPS to clarify which sealant is shop applied.
- 3) JPS to furnish test reports on all sealants for adhesion and cohesion when in contact with different materials and recommended priming/cleaning procedures.
- 4) Remedial work as a result of the initial pre-testing of the liner panel mock up should be incorporated in all the details. Some details did not indicate the butyl tape between the compression bar and the liner panel or the application of the silicone sealant in the pilot holes at the fasteners in the vertical hat channel.
- 5) The 24GA splice cap at the girt to girt column connection should be deleted since it is replaced by the expansion joint detail. JPS stated that the 12GA spacer channel is still required where the plane of the girt to girt is more than 3/16".
- 6) There should be slotted holes in the horizontal hat channels to prevent the thermal movement of the girts from transmitting through to the face panel. Provisions may be required to allow for the hat channels to move, for example; teflon washers.
- 7) Structural calculations are needed to confirm stability of window washing anchors.

- At the penthouse level and at the parapets, the metal siding is being supported by W8 X 18 girts. JPS inquired what is the anticipated thermal movement of these girts and should they provide expansion joints in their system to account for this movement. KPF/Weidlinger to advise.
- At the corners, KPF/Weidlinger to advise if an expansion joint in the liner panel is required. Regardless if an expansion joint is needed or not at the corner, JPS to further develop detail to provide a continuous substrate for the liner panel and how the liner panel will wrap around the corner. R.A. Heintges suggested the implementation of a flexible silicone taped joint in the liner panel to account for the compound angles in the corner. Discussion was then held if there is an expansion joint at the corner, how it can be accomplished. One possible solution is to weld a structural bent plate to the underside of one girt to allow for the liner panel to be positively sealed to and applying a similar expansion detail as at the column. Another possible solution is to weld the two intersecting girts together and forcing all thermal movement to the opposite ends and thus alleviating the need for an expansion joint at the corner. DASNY/TDX stated that if an expansion joint is needed, Trataros/JPS are to design it and implement it. Further discussion

on this matter is warranted after determination from KPF/Weidlinger if an expansion joint is needed.

- KPF/Heintges to complete their review of the Volume One shop drawings. Since all parties will be in Miami on 7/8/99 at the liner panel mock up, a meeting is scheduled on 7/8/99 and if necessary on 7/9/99 at the testing facility to further discuss the Volume 1 Shop drawings.
- LBL requested clarification of the design wind load for the curtainwall. KPF stated that based on a wind study and a wind tunnel test, it was concluded that 30 PSF for the field and 45 PSF at the corner are correct and these criteria do meet applicable building codes. R.A. Heintges stated the proof load or test load is 1 1/2" times the design load which equals to 45 PSF for the field and 67.5 PSF at the corner.

At this point the meeting was adjourned and the next meeting is scheduled for 7/8/99 in Miami at the liner panel mock up.

RL/lr

Cc: All Attendees
Michael Kolk

Memo Metal Siding Meeting 6/30/99

Kohn Pedersen Fox Associates PC
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June 8, 1999

Nick D'Ambrosio
Dormitory Authority of the State of New York
137 E. 25th Street, 6th Floor
New York, NY 10010

Re: Baruch Academic Complex - Site B
KPF Job no. 1063.01
Exterior Siding

Dear Nick:

We are in receipt of Trataros letter dated June 4, 1999 and Jordan Panel letter dated June 4, 1999. KPF has the following to offer.

The issue of thermal movement at the girt to girt condition is not a "recent revelation" by KPF, as stated in the Trataros and Jordon Panel letters. Thermal movement at the interface between the siding system and the girts has been a long standing issue, formally addressed by KPF and discussed with Jordan Panel over the last several months.

The accommodation of thermal movement at the girts was specifically commented by KPF on the Jordan Panel Volume I shop drawing submission, returned on March 31, 1999. On sheet 001, KPF General Note #11 reads as follows:

Field assembled wall panel system to accommodate all thermal movements including face panel, sub-girts, liner panel, and horizontal steel girts. Please submit corresponding details for review.

To date, KPF has not received details that satisfactorily accommodate these concerns.

In addition, this issue of thermal expansion has been reviewed and discussed in detail at every exterior wall coordination meeting (a total of six meetings) since January 5, 1999. At the April 8, 1999 exterior wall coordination meeting it was agreed that this movement would have impact on the siding system. Jordan Panel then asked KPF to confirm the amount of anticipated thermal movement of 1/8", at the girt to girt connection, with the project structural engineer. KPF memo dated April 16, 1999 confirmed that the anticipated movement is 1/8". This dimension was later revised to 1/4" in KPF memo dated May 11, 1999, and reviewed with Jordan Panel at the exterior wall coordination meeting on May 12, 1999. While KPF acknowledges that this dimensional change was a modification from the previously calculated dimension, Jordan Panel has essentially refused to address our original concerns relating to thermal movement which date back five months.